

APPEAL NO. 020354
FILED APRIL 1, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 18, 2002. The hearing officer resolved the disputed issue by determining that the respondent's (claimant) compensable injury of _____, is a producing cause of the claimant's lumbar strain and mild radiculopathy after August 26, 2001. The appellant (carrier) appealed on sufficiency grounds. The file contains no response from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, is a producing cause of the claimant's lumbar strain and mild radiculopathy after August 26, 2001. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer noted that the medical evidence offered established a causal connection between the claimant's compensable injury and his lumbar problems after August 26, 2001. In a record dated September 19, 2001, the claimant's treating doctor states, "[claimant] is having episodes of discomfort and had another one that occurred at home. These date back to his work injury which was on _____, and actually had a previous work incident on _____. These have been affecting the same area. . . . This is not a new injury in his home just this last week, but is a continuation of his underlying problem." There was conflicting evidence on the issue before the hearing officer and it was a matter for him to resolve the conflicts and to determine what facts the evidence had established. The hearing officer was acting within his role as the fact finder in determining that the claimant sustained his burden of proving that his compensable injury of _____, is a producing cause of his current lumbar strain and mild radiculopathy. Nothing in our review of the record indicates that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **FIREMAN'S FUND INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER
1999 BRYAN STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Edward Vilano
Appeals Judge